

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

<i>IN RE:</i> INTERCONTINTAL	§	Lead Case No.: 4:19-cv-01460
TERMINALS COMPANY LLC	§	
DEER PARK FIRE LITIGATION	§	Motion Relates To Consolidated Cases:
	§	Case No.: 4:20-cv-01387
	§	Case No.: 4:20-cv-01863
	§	Case No.: 4:20-cv-01867
	§	Case No.: 4:20-cv-01930

**NOTICE OF ERRATA TO OPA PLAINTIFFS' OPPOSITION TO DEFENDANT
INTERCONTINENTAL TERMINALS COMPANY LLC'S MOTION FOR SUMMARY
JUDGMENT REGARDING CLAIMS UNDER THE OIL POLLUTION ACT**

Plaintiffs Texas Aromatics LP (“Texas Aromatics”) (Case No. 20-1387), Gunvor USA LLC (“Gunvor”) (Case No. 20-1867), Rio Energy International Inc. (“Rio”) (Case No. 20-1863), Castleton Commodities Merchant Trading L.P., and Castleton Commodities Merchant Asia Co. Ptd. Ltd. (together, “Castleton”) (Case No. 20-1930) (collectively, “OPA Plaintiffs”) file this notice of errata to their opposition (Dkt. 410) to Defendant Intercontinental Terminals Company LLC’s (“ITC”) motion for summary judgment (Dkt. 395) on claims brought under the Oil Pollution Act (“OPA”).

Two tanks in the tank farm contained hazardous substances: xylene (tank 80-5) and toluene (tank 80-13). OPA Plaintiffs have corrected three sentences below to clarify that the xylene tank (80-5) is the only tank containing a hazardous substance that collapsed. The toluene tank (80-13) did not collapse. *See* Dkt. 410 (Opposition Brief) at pages 5-7 & footnotes 9-13.


Location	Original Sentence	Corrected Sentence
Page 19-20, last sentence of page 19 continuing to first sentence of page 20	In other words, OPA Plaintiffs can prove that the threatened or actual discharge of oil alone from the ITC facility would have caused the same HSC shutdown and the same damages, notwithstanding the collapse of the two tanks containing hazardous substances.	In other words, OPA Plaintiffs can prove that the threatened or actual discharge of oil alone from the ITC facility would have caused the same HSC shutdown and the same damages, notwithstanding the collapse of the xylene tank (80-5) containing a hazardous substance.

Page 20, first sentence of first full paragraph	While the OPA Plaintiffs believe that OPA applies to the entire mixture as a matter of law, they could alternatively prove in a jury trial that the shutdown of the HSC occurred based on the threatened or actual discharge of oil from the destroyed tanks containing petroleum products, and would have occurred even if the two tanks with hazardous substances remained intact.	While the OPA Plaintiffs believe that OPA applies to the entire mixture as a matter of law, they could alternatively prove in a jury trial that the shutdown of the HSC occurred based on the threatened or actual discharge of oil from the destroyed tanks containing petroleum products, and would have occurred even if the xylene tank (80-5) with a hazardous substance remained intact.
Page 20, footnote 24	At the time the fire began, and before the destruction of the two tanks (80-5 and 80-13) containing hazardous substances, there was a substantial threat of discharge of millions of gallons of naphtha into the HSC.	At the time the fire began, and before the destruction of the xylene tank (80-5) containing a hazardous substance, there was a substantial threat of discharge of millions of gallons of naphtha into the HSC.

DATED: October 5, 2020

Respectfully submitted,

EVERSHEDS SUTHERLAND (US) LLP

By: 

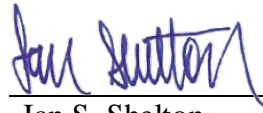
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CERTIFICATE OF SERVICE

I certify that I served the foregoing document on all parties via the CM/ECF system on October 5, 2020.

DATED: October 5, 2020



Ian S. Shelton